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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,428	11/03/2003	Larry S. Poole JR.	23144 . 00	9410

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EXAMINER

NOLAND, KENNETH W

ART UNIT	PAPER NUMBER
3653	

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/698,428	Applicant(s) POOLE, LARRY S.	
	Examiner Kenneth W. Noland	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 11, 13, 14, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 5, 8-10, 12 and 15-18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11-03-03</u> . | 6) <input type="checkbox"/> Other: ____. |

Handwritten signature/initials

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,2,3,4,13,19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Palk et al in view of Tappenden. Palk et al discloses a holder having a front wall 14 and sides and a base to form a pocket to hold material. and an attachment border 12 shown in figure 1 to extend from the sides and base. The attachment border would be mounted to a vertical surface. The pocket is formed from transparent , plastic material . To provide that Palk et al's attachment border would be attached to a display surface and to hold any other articles as business cards would be obvious in view of the teachings of the teachings of Tappenden which shows in figure 1 the holder 18 of business cards to be attached to a bulletin -type display board 12 so as to better attract customers to receive the business cards from the holder. In regard to claims 19 and 20, to provide that Palk et al 's holder would be attached to the display board as by a pin or a thumbtack would be obvious as such type of pins or thumbtacks are frequently uses in every day usage to mount articles to a surface . and , therefore , this feature is not afforded any patentable weight.

3. **.Claim 6*is * rejected under 35 U.S.C. 103(a) as being unpatentable over *Palk et al in view of Tappenden** as applied to claims 1-4,13,19,20*** above, and further in view of *Marks. To provide that the holder of Palk et al has a peel-off type backing to effect an adhesive layer for mounting of the holder, would be obvious in view of the

teaching of Marks' use of the peel-of backing to expose as adhesive layer 12 for effecting a mounting means so that the holder may be readily mounted to a surface.

4. **.Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Palk et al in view of Tappenden** as applied to claims 1-4,13,19,20*** above, and further in view of *Thorp. To provide that the holder of Palk et al has a magnetic mounting means, would be obvious in view of the teachings of Thorp's use of the magnetic layer 20 to also mount a holder to effect a ready mount for the holder..

5. **.Claims 11 and 14 are*** rejected under 35 U.S.C. 103(a) as being unpatentable over Palk et al in view of Tappenden*** as applied to claims 1-4,13,19,20*** above, and further in view of *Wolff. To provide the front wall of Palk et al's holder for a cut out would be obvious in view of the teachings of Wolff's use of the cutout shown in figure 1 to better dispense an article.

6. **. Claims 5,*8-10,12,15-18 are** objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Linn is cited showing in figure 14 another type of holder for sheet articles having an attachment border 90 extending from the holder and having the mounting means 90a.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth W. Noland whose telephone number is (571) 272-6941. The examiner can normally be reached on Monday-Thursday ,each week.

Art Unit: 3653

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on (703) 306-4173. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


KENNETH W. NOLAND
PRIMARY EXAMINER